

REMARKS

I. INTRODUCTION

Claims 23-27 are presently pending and stand rejected in this application, claim 26 has been amended as set forth above. In light of the arguments that appear below, Applicant respectfully requests reconsideration and withdrawal of the rejection.

II. AMENDMENTS TO THE CLAIMS

Claim 26 has been amended to correct a typographical error in the spelling of the word “wherein”. Applicant respectfully submits that no new matter has been added as a result of this amendment.

III. REJECTION OF CLAIMS 23-27 UNDER 35 U.S.C. § 103(a)

Claims 23-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mills (U.S. Patent No. 4,852,896). The Office asserts, in part, that Mills discloses a rack comprising a first rack for releasably retaining golf clubs and a second rack portion having a golf ball holder releasably attached thereto, and therefore, it would have been obvious to one of ordinary skill at the time the invention was made to use the rack of Mills to hold billiard balls and billiard cues instead of holding golf balls and golf clubs in order to enable transport of the billiard balls and billiard cues from one place to another and to enable the stored billiard cues to be rotated for selection purposes. For at least the following reasons, Applicant respectfully traverses the rejection.

Applicant respectfully submits the modification of the cited reference to include billiard balls and cues is improper because there is no motivation or incentive for one of ordinary skill in the art of billiards to look to the field of golf in designing a rack for the storage of billiard balls and cues. The problems and challenges facing these two different fields of art are unique and dissimilar, and accordingly, the accessories for the two provide different functionality. For instance, it is contemplated in the present invention that billiard balls are frequently moved back and forth between a billiard table and a storage area. Accordingly, the billiard rack of the instant invention provides the functionality of having a ball holder that can store billiard balls and that can also be quickly and easily separated from the rack without using any tools to allow for the transporting of the balls to a nearby billiard table. This functionality is not contemplated in the cited reference or in the overall field of

golf, as there is not a need for a golf ball holder that can be easily separated from the equipment carrier. A golfer would not transport the golf ball holder to the “field of play” (*i.e.*, tee box of a golf course) without the rack as a whole, which contains the clubs necessary to play the game. Rather, a golfer typically uses a single golf ball, and therefore, a releasable ball holder for storing a set of golf balls that can be quickly and easily separated from the associated rack and transported to a nearby tee box on a golf course is not necessary. Moreover, Applicant respectfully submits that a golfer would not want a golf ball holder that is releasable from the equipment carrier as the ball holder would be less securely coupled to the equipment carrier and as a result, for example, could be easily knocked loose as the carrier traverses bumpy terrain on a golf course. This is one reason, in Applicant’s estimation, that the ball holder of the cited reference is fixedly and securely attached to the equipment carrier with fasteners, and thus, cannot be easily separated from the carrier without the use of a tool. Accordingly, one in the field of designing billiard racks would not have any motivation or incentive to look to the field of golf, and to golf equipment carriers having fixedly attached ball holders in particular, to design a billiard rack having a releasable ball holder that provides the dual functionality of storage and ease of transportation of billiard balls. Therefore, because the modification of cited reference is improper, Applicant respectfully submits that this rejection is likewise improper.

If, however, it is determined that it is proper to modify the cited reference for use with billiard balls and cues, which it is not, Applicant respectfully submits that the cited reference does not teach or suggest all of the limitations of independent claim 23. In particular, Applicant respectfully submits that the cited reference does not teach or suggest a releasable ball holder that allows for easy separation of the ball holder from the rack and the transporting of the billiard balls to a nearby billiard table.

While the golf equipment carrier of the cited reference does include a ball holder, it is attached to the equipment carrier by way of screws and brackets. Therefore, Applicant respectfully submits that this ball holder is not releasable but rather is fixedly attached. In order to separate the golf ball holder from the golf rack, a tool is required to remove the screws holding the ball holder to the equipment carrier, whereas the ball holder of the present invention does not require the use of any tool to separate or release the ball holder from the billiard rack but rather is simply lifted and pulled out of the rack. This represents a substantial difference between the two inventions as the golf ball holder does not provide one of the key benefits of the present invention, which is providing a releasable billiard ball

holder that is easily released and separated from the rack in order to transport the billiard balls to a nearby billiard table. The inventive rack does not fixedly attach the ball holder to the rack as this would negate the benefit of being able to store the billiard balls in the ball holder on the rack and then quickly and easily release the ball holder from the rack and transport the balls to a billiard table, a benefit that is not needed in golf. Therefore, because the cited reference fails to teach or suggest each and every limitation of the claimed invention, Applicant respectfully submits that this rejection is improper.

Accordingly, in light of the foregoing, Applicant respectfully submits that the rejection claim 23 has been traversed and respectfully requests that this rejection be reconsidered and withdrawn.

With respect to dependent claims 24-27, Applicant respectfully submits that these claims either directly or indirectly depend from respective base claim 23 (believed allowable), and therefore, include each and every limitation thereof. Accordingly, for at least the reasons set forth above, Applicant respectfully submits that claims 24-27 are likewise allowable. Accordingly, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

IV. CONCLUSION

If the Examiner has any questions, he/she is invited to contact the undersigned attorney.

Respectfully submitted,

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By: 

Jeffrey L. Doyle
Reg. No.: 54,074
Dykema Gossett PLLC
39577 Woodward Avenue, Suite 300
Bloomfield Hills, MI 48304-5086
(248) 203-0782
jdoyle@dykema.com